

RESOLUTION NO. 15-_____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
HUNTSVILLE, ALABAMA:**

WHEREAS, Woody Anderson Ford C/O Cathleen O. Anderson, its President, and AFT Five, LLC, C/O Cathleen O. Anderson, its Managing Member, hereinafter referred to as Owners, are the Owners of the land abutting a right-of-way lying within the City of Huntsville, Alabama, which said right-of-way is described as follows, to-wit:

SEE ATTACHED EXHIBIT A

WHEREAS, the abovesaid Owners have executed a declaration of their intent and desire, attached hereto as Exhibit "B," that right-of-way above described be abandoned by the City of Huntsville; and desires to divest any and all right, title and interest which the public may have in and to said portion of the right-of-way so described, acquired by virtue of the dedication of said right-of-way to the City of Huntsville, Alabama;

WHEREAS, the Owner has represented to the City Council of the City of Huntsville, Alabama, and the City Council, based upon such representation does find:

1. That the retention of said right-of-way will not benefit the City of Huntsville, Alabama; and

2. That convenient and adequate means of ingress and egress is available to all owners of surrounding property, such being afforded by virtue of other streets, easements, avenues and alleys; and

3. That the abutting property owners represent that no owner of property served by the right-of-way being vacated (or of property within the subdivision where the right-of-way lies) objects to the vacation of the right-of-way.

4. That the City of Huntsville shall retain an easement for utilities and drainage over the real estate described above.

NOW, THEREFORE, BE IT RESOLVED, that the City of Huntsville, Alabama, does hereby declare the above described right-of-way to be abandoned.

ADOPTED, this the 26th day of February, 2015.

President of the City Council
Of the City of Huntsville, Alabama

APPROVED, this the 26th day of February, 2015.

Mayor of the City of Huntsville,
Alabama

STATE OF ALABAMA

COUNTY OF MADISON

DECLARATION OF VACATION OF RIGHT-OF-WAY

KNOW ALL MEN BY THESE PRESENTS: That the undersigned Woody Anderson Ford C/O Cathleen O. Anderson, its President, and AFT Five, LLC C/O Cathleen O. Anderson, its Managing Member, desiring to vacate that certain rights-of-way hereinafter described, say as follows:

1. That Woody Anderson Ford C/O Cathleen O. Anderson, its President, is the owner of all the land abutting the hereinafter described right-of-way; and that AFT Five, LLC is the owner of the land adjacent to the land abutting the hereinafter described right-of-way, and Cathleen O. Anderson is the Managing Member of AFT Five, LLC; and

2. WHEREAS, convenient and reasonable means of ingress and egress are available to the owners of the surrounding property, before and after such vacation; and

3. WHEREAS, the said right-of-ways, hereinafter described, are situated within the corporate limits of the City of Huntsville, Alabama, and were heretofore dedicated to said City; and

4. WHEREAS, the undersigned, by this instrument, declares its and their intent to vacate the said right-of-ways, hereinafter described; and

5. WHEREAS, it is necessary for the City of Huntsville, Alabama to retain an easement for utilities and drainage over the real estate described below.

NOW, THEREFORE, the undersigned, as the owners of all property abutting the said right-of-ways hereinafter described, or adjacent thereto, do hereby petition and urge that the City Council of the City of Huntsville, Alabama, adopt a resolution hereby declaring said right-of-ways vacated and assenting to the vacation of the following described right-of-ways, being described, as follows:

SEE "ATTACHMENT A – TRACT 3: 0.258 ACRES +/-"

Attached hereto and made a part of this document.

The purpose of the execution of this declaration is to effect the vacation and abandonment of the above-described roadway to the abutting property owner and to destroy the force and effect of any dedication by map, plat or otherwise, and to direct any and all rights of the public, including any rights which may have been acquired by prescription or otherwise, in that certain roadway hereby vacated; FOR CONVENIENCE AND EFFICIENCY, AND AT THE REQUEST AND WITH THE CONSENT OF THE PARTIES HERETO, THE ENTIRETY OF THE PROPERTY IS HEREBY VACATED TO WOODY ANDERSON FORD, IN ITS ENTIRETY, AND BOTH WOODY ANDERSON FORD AND AFT FIVE, LLC TO ASSENT AND AGREE THAT SAID

PROPERTY SHALL BE, ON VACATION, THE PROPERTY OF WOODY ANDERSON FORD.

The above-described property shall remain subject to an easement for utilities and drainage in favor of the City of Huntsville, Alabama.

IN WITNESS WHEREOF, the undersigned owner of all property abutting said right-of-way hereinabove described, have caused this instrument to be executed, on this 17 day of February, 2015.

WOODY ANDERSON FORD

By: Cathleen O. Anderson
Cathleen O. Anderson
Its: President

AFT FIVE, LLC

By: Cathleen O. Anderson
Cathleen O. Anderson
Its: Managing Member

STATE OF ALABAMA
COUNTY OF MADISON

I, the undersigned, a Notary Public in and for the State of Alabama at Large, hereby certify that Cathleen O. Anderson, as President of Woody Anderson Ford, and also as Managing Member of AFT Five, LLC, whose name is signed to the foregoing instrument for Woody Anderson Ford and AFT Five, LLC, as such officer of each and with full authority, and who is known to me, acknowledged before me on this day that being informed of the contents of this instrument, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal of office, this the 17 day of February, 2015.

[Signature]
Notary Public
My Commission Expires:
MY COMMISSION EXPIRES 02-24-2016

STATE OF ALABAMA)

COUNTY OF MADISON)

**J&A PROJECT NO. 1515-EN
TRACT NO. 3**

DATE: December 14, 2014

A part of the NW ¼ of Section 28, Township 3 South, Range 1 West and a part of the SW ¼ of Section 21, Township 3 South, Range 1 West of the Huntsville Meridian, identified as Tract No. 3 on J&A Project No. 1515-EN in Madison County, Alabama and being more fully described as follows:

Tract 3:

Commencing from a railroad spike found at the northwest corner for Section 28, Township 3 South, Range 1 West of the Huntsville Meridian, thence S 89°39'41" E a distance of 1,235.78 feet to a 1/2-inch rebar (with a yellow cap stamped Johnson CA0183LS) on the present right of way line of Alabama Highway 53 and Oakwood Road, said point being 126.6 feet left of AL Highway 53 station 1+16.5 according to the above-referenced project and also being the Point of Beginning of the property herein described;

thence from the Point of Beginning S 89°28'27" E along the present right of way line of Oakwood Road a distance of 260.48 feet to a found 5/8-inch rebar on the acquired right of way line for Sparkman Drive, said point being 30.8 feet right of Sparkman Drive station 0+75.5 according to the above-referenced project;

thence S 49°57'13" W along the acquired right of way line of Sparkman Drive a distance of 72.35 feet to a 1/2-inch rebar (with a yellow cap stamped Johnson CA0183LS) on the acquired right of way line for Sparkman Drive and the present right of way line of Oakwood Road, said point being 31.4 feet right of Sparkman Drive station 1+48.0 according to the above-referenced project;

thence S 89°39'44" W along the present right of way line of Oakwood Road a distance of 204.05 feet to a 1/2-inch rebar (with a yellow cap stamped Johnson CA0183LS) on the present right of way line of AL Highway 53 and Oakwood Road, said point being

101.5 feet left of AL Highway 53 station 1+59.9 according to the above-referenced project;

thence N 01°11'01" W a distance of 50.15 feet to the Point of Beginning.

The above described parcel contains 0.258 acres, more or less.

And as shown on the Consolidation Plat for Woody Anderson Ford, a copy of which is on file in the office of the Judge of Probate as an aid to persons and entities interested therein and as shown on the Property Sketch attached hereto and made a part hereof.